United Nations S/AC.37/2003/1

Security Council

Distr.: General
8 January 2003

Original: English

Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 2 January 2003 from the Permanent Mission of Croatia to the United Nations addressed to the Committee

The Permanent Mission of the Republic of Croatia to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to forward hereby a response of the Croatian Government regarding the measures contained in Security Council resolution 1390 (2002) (see annex).

03-20517 (E) 130103

Annex to the note verbale dated 2 January 2003 from the Permanent Mission of Croatia to the United Nations addressed to the Committee

Report of the Republic of Croatia on the implementation of Security Council resolution 1390 (2002)

In accordance with resolutions 1267 (1999), 1333 (2000) and 1390 (2002) adopted by the Security Council on 16 January 2002, and in particular, paragraphs 2, 6 and 8, the Government of the Republic of Croatia has taken the following steps:

All the competent authorities in Croatia have been informed:

(a) To freeze without delay the funds and other financial assets or economic resources of individuals, groups, undertakings and entities, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for such persons' benefit, by Croatian nationals or by any persons within Croatian territory;

(b) To prevent the entry into or the transit through Croatian territory of these individuals, provided that nothing in this paragraph shall oblige Croatia to deny entry into or require the departure from Croatian territory of Croatian citizens and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified;

(c) To prevent the direct or indirect supply, sale and transfer, to these individuals, groups, undertakings and entities from their territories or by Croatian citizens outside Croatian territory, or using the Croatian flag vessels or aircraft, of arms and related material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned and technical advice assistance, or training related to military activities.

Pursuant to Security Council resolution 1373 (2001) and the guidelines of the Counter-Terrorism Committee, the Republic of Croatia on 24 December 2001 submitted to the Security Council Counter-Terrorism Committee a report on concrete measures and legislative procedures the Republic of Croatia has been implementing in the fight against terrorism (S/2001/1271).

The Anti-Money-Laundering Department requested the Ministry of the Interior, the State Prosecutor and the Croatian National Bank additionally to examine their files and identify potential physical and legal persons as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000).

The Tax Department conducted a search of its databases for all purchases and sales of real estate, tangible and intangible property, as well as financial transactions of humanitarian organizations and associations connected to physical and legal persons as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000).

The Customs Department searched its database for illicit transfers of cash over the State border pertaining to physical and legal persons as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000). It also strengthened the overall control of traffic of goods across the border, particularly the transfer of money.

The Division of Foreign Exchange Inspectorate searched its database looking for transactions made by physical and legal persons as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000).

Until today, no financial assets or economic resource of the individuals, groups, undertakings and entities referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) have been found in Croatia.

However, any relevant information such as types of assets frozen, account numbers and monetary value of frozen assets of the individuals, groups, undertakings and entities referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) in Croatia shall be promptly indicated to the Security Council Committee established pursuant to resolution 1267 (1999).

To date, Croatian authorities have identified no terrorist groups or individuals that attempted to enter or transit the country. Likewise, no attempt to supply, sell or transfer weapons and military equipment or to provide military training for terrorist groups or individuals which would refer to Security Council resolution 1390 (2002) has been identified.

United Nations S/AC.37/2003/2

Security Council

Distr.: General
24 January 2003

Original: English

Security Council Committee established pursuant to resolution 1267 (1999)

Letter dated 20 January 2003 from the Permanent Representative of Georgia to the United Nations addressed to the Chairman of the Committee

I have the honour pursuant to paragraph 6 of Security Council resolution 1390 (2002) to transmit the report on recent counter-terrorism activities undertaken by the government agencies of Georgia, prepared by the Anti-Terrorism Committee of the National Security Council of Georgia (see annex).

(*Signed*) Revaz **Adamia**
Permanent Representative

03-22359 (E) 290103

Annex to the letter dated 20 January 2003 from the Permanent Representative of Georgia to the United Nations addressed to the Chairman of the Committee

Report on recent counter-terrorism activities undertaken by the government agencies of Georgia

To execute the №1373 resolution of 28th September of 2001 of the organization of United Nations and to accomplish the Georgian program of co-operative activities in the international anti-terrorist fight there have been carried out the following common activities during the last six months by the Ministry of State Security of Georgia.

The appropriate and controlling activities have been passed in order to prevent financing of terrorists with the humanitarian, religious and cultural organizations, concretely:
As a result of passed measures the activities of such radical Islamic followers' organizations as "Al-Haramanei", "The World Assembly of Muslim Youth" (WAMY), the international humanitarian organization "As-Salam" in Georgia have been suppressed . The heads and activists of the noted organizations are considered as undesirable persons for Georgia and they are put under the border control.

Besides this, the attempt of bringing the radical-Islamic and Vahabit propagandistic materials in the Georgian territory have been cut off not only once, specifically as a result of accomplished activities the attempt of emissaries of one of the islamic organization to enter Tbilisi was suppressed, their aim was to spread "Vahabism" in the Pankisi Gorge . The noted persons were detained at the Tbilisi Airport, the black flags with the appeals of "Jihad", "Vahabit" literature and laser disks prepared by the television of one of the radical-Islamist organization "Hakak TV", audio records with the Jihad appealing were seized from them. Above mentioned persons were exiled from the Georgian territory and were put under the border control.
The members of above mentioned radical-Islamic organizations try to create different types of organizations to carry out their intentions, concretely, Dutch Ismail Imad Eldil Bakri was exposed, who is the active member of one of the radical-Islamist organization and through the "Georgian medical company" based in Georgia tried to assist "Mojaheds" fighting in Chechnya. The activity of this person is put under the border control

Operative-detective activities have been conducted regularly in order to suppress the attempt of creating the organizations and interest groups, that

support terrorist activities with the finances and provide various types of assistance within and out of the country, specifically:
The activity of so called "Peace March and International Peacekeeping Initiative" organization which is based in Georgia was suppressed. This organization was established by the persons of Chechen nationality and was registered formally in the appropriate organs of Georgia. At the base of obtained materials it was concluded that the real aim of the organization differs from the formally presented; it aimed to organize mass illegal demonstrations and to blow religious and ethnic enmity. The activity of the organization was cut off according to the procedures foreseen by the law.

The appropriate activities are being carried out to check perfectly humanitarian organization "Madli" that was formally established by the persons of Chechen nationality. The financing sources and links of organization with the different Islamic organizations were detected. In order to expose possibly illegal activity and documentation of "Madli" the active checking of its activity is being pursued with the help of foreign colleagues.
Analogical activities are pursued toward the "Islamic International Humanitarian Organization" (I.I.R.O.) The data about the activists of the noted organization is established who tried to spread their activities on the Georgian territory. The work is being conducted to detect their linkage to the radical-Islamic organizations.

The ministry of state security conducts operative-detective activities of terrorists from Georgia towards the other states, concretely:
On 14 July 2002 the citizen of the federation of Russia A. Dekushev was detained wanted by the Russian law enforcement bodies as the one of the participant of explosion of two multistory houses in Moscow on 8 and 13 September 1999, as a result of which 233 inhabitants and 150 persons were injured. Georgian office of general prosecutor satisfied the demand of the office of general prosecutor of Russia about the extradition of the detained persons at the basis of which he was extradited on 14 July of the current year.
The information has been received about the citizen of Turkish Metin Elfer, he has brought in Georgia the mechanism for activating exploding materials. He admitted that he tried to bring the noted mechanisms in the Pankisi Gorge. The above noted person was extradited to the Turkish side, where the criminal case was raised towards him;
With the operative point of view the interesting information was received about the planned terrorist acts in the North Caucasus region of the federation of Russia. The signs characterizing terrorist groups, data about their possible links were transmitted to the Russian special services.

In the high mountainous region of Georgia there were detained several armed groups of North Caucasians, the members of which crossed the Georgian border illegally. As a result of investigation was exposed connection of the detained persons with the radical-Islamic terrorist organizations in Russia. Afterwards five persons against whom the office of general prosecutor of Russia has trustworthy evidences of criminal activities have been extradited to Russia.

Nowadays, the question of extradition of several Chechens to Russia is being discussed. Foreseeing the existed regulations and international norms the arrested people can complaint the decision of their extradition in the Georgian judicial structures.

In connection with the terrorist acts carried out in the USA on 11 September of 2001 operative work is being conducted together with the partners of special services of CIS and other states in order to expose and suppress the activities of the members of international terrorist organization. According to the information provided through the line of international co-operation more than thirty persons are being wanted. They are put under the border control, the complex operative-detective activities are being carried out to find out their location.

The units of the ministry of Georgian state security, as well as the units of internal ministry and other law enforcement bodies take active part in these operations. The tools of the ministry of external affairs of Georgia are actively used during the exchange of formal information.
As a result of viable complex activities fifty-four persons were exiled from Georgia as the persons who have connection with the islamic extremist and terrorist organizations, among them twenty-four persons were the citizens of Turkey, four were the citizens of Great Britain, one – citizen of Germany, two – citizen of France, eleven – citizens of Jordan, seven – citizens of Iran and etc.

we work together with the ministry of state security of Azerbaijan in order to find out and check the persons in Marneuli who might have links with the international Islamic organizations.
As a result of accomplished activities it became possible to free the citizen of Great Britain, the expert of European Union on financial issues Peter Shaw.
There is obtained a quantity of important information about the members of the network of the terrorist organization "Al-Quaeda", also about the training bases of "Taliban" based in Afganistan and about the route of so called "Mojaheds" and hired fighters.

From the specification and characteristic of the Pankisi Gorge conducting the wide-scale operations there without the advance preparing works would give especially heavy result.
After the advance preparation, in which the role of American partners is quite important, with the method of operative coercion it became possible to constrict military formations and criminal groups.

As a result of carried out anti-terrorist and anti-criminal activities Chechen field commanders together with their groups left the Pankisi Gorge.
After the operation fifty-seven persons were detained, criminal case is raised for illegal crossing of Georgian state border and for co-operation with the international terrorist organizations, on more than twenty-four persons from them.
Twenty-two persons were arrested for various criminal faults.
In the cache on the territory of the Pankisi Gorge were found out great number of automatic weapons, fighting materials, anti-tank and anti-air transferring devices.

On December 6 as a result of anti-terrorist operation near Lagodekhi the group of five men was liquidated by the group of special appointment of the ministry of security, the members of this group were wanted for organizing terrorist acts in Moscow.

Between village Kabal and Lagodekhi, on the motorway, the special group of ministry of security stopped the noted group, surrounded it and made the warning shooting in the air. This was followed by the responding fire from the terrorists' side. As a result of double-sided fire one of the fighters of the special group was wounded. The terrorists were equipped with automatic weapons and bombshells. They also had so called "Shahid's belts" - self-made exploding device. One of the terrorists managed to use it and exploded himself. As a result of the special operation four members were killed on the place of operation. One was heavily wounded, who died later that night. The life of the wounded fighter of the special group is not in danger any more.
The ministry of state security possessed the operative information about the noted terrorist group. It was known that the terrorists were Karachis. They were wanted by the FCS (Federal Council of Security) of Russia and INTERPOL for explosion of houses in Moscow. The members of terrorist group moved from Russia to the Pankisi Gorge, where they hid themselves for a long time. As a result of operative-intelligence activities the ministry of security provoked them to move. They had left the Georgian territory and moved to the Georgian - Azeri border. According to the existed information they were going to take hostage and leave the Georgian territory.

For now the identities of three Karachis are identified They are:

1. Tigar Bajiev – the head of the terrorist group, spiritual father - "Emir" (he exploded himself)
2. Timur Batchaev – the organizer of terrorist act in Moscow
3. Rashid Khubiev – the participant of the terrorist act of Moscow.

According to the preliminary data there were persons in this group, who guided Karachi terrorists. Their identification is being detected.
Above mentioned operations will have permanent character. Georgian law enforcement bodies will do their best to recover the situation and to strengthen legality in the Pankisi Gorge, as well as in the state entirely.

According to resolution of Security Council dated by 28th September of 2001 #1373, some liabilities are considered for UN member-states to exercise measures for prevention of terrorism, which has to be done be the way of taking the prevention measures and by increasing punishment level for crime, the Ministry of Justice of Georgia has prepared a legislative package for changes and additions in the "Criminal Code of Georgia and in "In Criminal Proceedings Code of Georgia".

According to changes and additions in the "Criminal Code of Georgia", there is a strengthening of criminal sanctions for terrorist crimes in articles 323 (terrorist act), article 327 (establishing terrorist organization or management or participation) and article 328 (association with foreign country's terrorist organization or with subordinated organization). By this change, terrorist crimes according to 12th article of Criminal Code of Georgia is considered as grieve crime and from this point of view criminal responsibility will cover preparation of here above crimes, because according to 18th article of Criminal Code criminal responsibility will occur only in time of preparation of grieve crime.

Also, a new crime – cyber terrorism, is added to Criminal Code, which will consider responsibility for use of threat and receiving and using legally protected computerized information by illegal ways, if such action is against security of society, state strategic political and economic interest, committed for frightening of population or/and for pressure on government body.

Taking in account the new crime - cyber terrorism, qualified circumstances is added to article 324 (technological terrorism) in accordance to that responsibility is considered for the same committed action, which had a damage or hard result.

In accordance to draft of law of "additions to Georgia's Criminal proceedings Code" the second part is added to Georgia's Criminal proceeding Code Article 190 (the objective and basis property seizure) in

accordance with which the activity for seizure of property is used for preparation of terrorism and grieve crimes , if there was information that this property has been used for this crime.

Mentioned legislative acts was discussed and satisfied by Georgia's government and was transferred to parliament. According to autumn project of legislation work of parliament for the year 2002, these acts will be discussed on the parliament's autumn session.

On the basis of information we get from the Embassy of United States of America, we continue receiving information from Georgian banking offices concerning to terrorist groups and their sponsors. As before such accounts haven't be found in banking systems. The problem of mechanism for freezing accounts isn't solved yet and we tried to link this question to anti-money laundering measures. As you know on the basis of the resolution №395 of April 7 2002 by the president of Georgia, concerning anti "black money legalization" measures, the interagency coordination group has been formed. As a result of working of the group the appropriate bill have been drafted that was discussed at the government session and in the near future it is going to be sent to the parliament as well. On the advice of the National Bank of Georgia requirement for disclosing deals concerning terrorism is taken into account in the draft law, simultaneously the financial monitoring service is responsible for freezing accounts in that case, this partly meets requirements for anti-terrorism measures.

Some steps have been taken in order to arise efficacy of monitoring and licensing. National Bank of Georgia according to the recommendations of International Monetary Fund, carried out "Criterion for Director Qualification". It is remarkable that the changes in "the law of commercial banks" was produced to the parliament for discussion for the third time. In this way requirements for owners and monitoring members of bank can be established These requirements means to deny access for criminals to the banking sector. Unfortunately till now it isn't possible to gain support to these initiatives from members of Georgian parliament despite the fact that international standards related to the banking regulation as well as recommendations of International Monetary Fund, world bank and European council take into account right of the National Bank to deny suggestions for commercial bank control changing.

According to the information received in April of current year, it is necessary to implement established international standards related to fighting against terrorism (The 8th special recommendation of FATF). These standards demands from countries ratification and establishment of United Nations' instruments, in particular ratification of United Nations'

international convention of 1999 concerning "Prohibition of Financing Terrorism" and establishment of United Nations Council resolution №1373. It is also necessary to ratify Strasburg convention.
Despite the fact that appropriate International conventions aren't ratified and our possibility for freezing accounts related to terrorism is limited, National Bank of Georgia continues active co-operation with the Embassy of United States of America and the Treasury Department from which we still receive information regarding terrorists and their supporters and their accounts are examined in commercial banks if there are any. Since September 11th there haven't been discovered any terrorists' accounts in the banking system.

It is remarkable that ratification of International conventions and establishment of the law against "money laundering" will give additional efficacy to the National Bank to participate in anti-terrorism activities.

United Nations S/AC.37/2003/3

Security Council

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31 January 2003
English
Original: French

Security Council Committee established pursuant to resolution 1267 (1999)

Letter dated 28 January 2003 from the Permanent Representative of Belgium to the United Nations addressed to the Chairman of the Committee

I have the honour to transmit herewith the national report of Belgium, which my authorities have just forwarded to me (see annex). This report was prepared in implementation of paragraph 6 of resolution 1390 (2002).

(*Signed*) Jean **de Ruyt**
Ambassador
Permanent Representative of Belgium to the United Nations

03-23449 (E) 060203 060203

Annex to the letter dated 28 January 2003 from the Permanent Representative of Belgium to the United Nations addressed to the Chairman of the Committee

Report of the Kingdom of Belgium in implementation of Security Council resolution 1390 (2002)

A. *Legislative and/or administrative measures taken in order to freeze the funds and other financial assets or economic resources of the individuals, groups, undertakings and entities referred to in the list mentioned in paragraph 2 of resolution 1390 (2002), including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and to ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for such persons' benefit, by their nationals or by any persons within their territory.*

1. The measures adopted by the Kingdom of Belgium since the issuance of Security Council resolutions 1277 (1999) and 1333 (2000) make it possible to implement resolution 1390 (2002), taking into account the amendments made to the list, in order to freeze funds and other financial assets.

2. The Committee will find in the attached table a list of the various measures which have been adopted pursuant to Security Council resolutions 1267 (1999), 1333 (2000) and 1390 (2002) to implement those resolutions at the European level and in Belgium as regards the financial embargo.

3. The measures comprise the royal decree of 17 February 2000 on restrictive measures against the Taliban of Afghanistan, adopted on the basis of the law of 11 May 1995 on the implementation of decisions of the United Nations Security Council, which entered into force on 15 March 2000. The lists of individuals covered by these measures, transmitted by the "Afghanistan" Committee, were published by ministerial decree of 15 June 2000, amended by ministerial decrees of 23 November 2001, and 1 July, 26 and 27 September, 24 and 30 October, 12 and 14 November and 10 December 2002.

4. Moreover, regulation EC/881 of 27 May 2002 of the Council of the European Union standardizes all community measures relating to the implementation of Security Council resolution 1390 (2002). Under the community legal rules, this regulation is directly applicable in the Belgian legal system.

5. Investigations are under way in relation to the freezing of funds and other financial assets or economic resources of the individuals, groups, undertakings and entities referred to in the list mentioned in paragraph 2 of Security Council resolution 1390 (2002).

B. *All measures they have taken to prevent the entry into or the transit through their territories of the individuals as referred to in the list mentioned in paragraph 2 of resolution 1390 (2002).*

6. Pursuant to resolution 1390 (2002), access to and transit through the territory of the individuals included in the United Nations consolidated list (on the basis of resolutions 1267 (1999), 1333 (2000) and 1390 (2002)) are prohibited.

7. In order to enforce this prohibition, the Aliens Office of the Federal Department of the Interior works in close cooperation with:

– diplomatic and consular offices of the Federal Department of Foreign Affairs;

– the federal police.

The United Nations consolidated list has been computerized by the Aliens Office, which facilitates its day-to-day consultation.

8. *Issuance of visas*: Belgian diplomatic and consular offices abroad implement the relevant visa regulations and are responsible for the subsequent issuance of visas.

Every month the Federal Department of Foreign Affairs sends a CD-ROM containing the United Nations consolidated list to all the designated Belgian diplomatic and consular offices.

Whenever an alien applies for a visa at a designated Belgian diplomatic or consular office abroad, the office systematically verifies whether that alien is mentioned in the list and/or is a member of a group, undertaking or entity referred to in the list.

If the alien is mentioned in the list or belongs to a group, undertaking or entity referred to in the list, the designated diplomatic or consular post sends the application file to the Aliens Office.

If the alien is not entitled to an exception under the modalities established by the sanctions committee (which may vary from one nationality to another), or if his travel or transit is not necessary in the context of a judicial procedure, normally no visa will be issued to him.

9. *Border controls*

The federal police (which is in possession of the consolidated list) exercises control at the borders as the external borders of the Schengen area. Belgium's external borders are located mainly in airports and ports, with the exception of the Gare du Midi in Brussels where the Eurostar international train arrives from the United Kingdom.

Airports

National airport, Brussels
Deurne
Oostende
Gosselies
Bierset
Wevelgem

Ports

Antwerpen
Oostende
Zeebrugge
Gent/Ghent
Nieuwpoort
Blankenberge

Internal

Station for Eurostar high speed train (Gare du Midi, Brussels)

10. Border controls consist of asking for travel documents, checking the validity of those documents and checking whether the individual in question is the same as the individual appearing in the photograph on the travel document. An inquiry is also made about the purpose of the travel.

11. If an alien arrives without a valid passport or visa, access to the territory is immediately denied.

12. If a traveller who is mentioned in the consolidated list has a valid passport and visa, the federal police consults the list. In theory, that situation cannot arise, because the Federal Department of Foreign Affairs has already carried out a thorough check via the filter of issuing a visa.

13. Denial of access to the territory — on a basis other than that of absence of a valid passport or visa — is the exclusive prerogative of the border inspection service of the Aliens Office. This service may consult the consolidated list and make the necessary determinations if the individual is mentioned in that list.

14. If that is not the case, an expulsion order is taken under article 3 of the law of 15 December 1980 concerning access to the territory and the stay, residence and expulsion of aliens. The alien is then sent back to the country of departure.

15. In some cases, the federal police may detain the alien for 24 hours under article 74/7 of the law of 15 December 1980 concerning access to the territory and the stay, residence and expulsion of aliens.

C. *The Committee would in addition welcome the submission of information regarding implementation by States of paragraph 8 of resolution 1390 (2002) which invites States to report on investigations and enforcement actions related to States' efforts to enforce and strengthen the measures imposed under domestic laws or regulations to prevent and punish violations of the measures referred to in paragraph 2 of resolution 1390 (2002), unless to do so would compromise the investigation or enforcement actions.*

16. Under the provisions of articles 144 bis, ter and quater of the Judicial Code, the federal prosecutor conducts public action in the interests of the proper administration of justice in relation to a range of offences determined by the law and, in addition to this list, on the basis of geographical and security criteria. In the area of security, he is competent, in particular, in relation to offences falling under the definition of terrorism set forth in article 8.1.b of the organic law on the intelligence and security services (cf. para. 23). He is also competent to perform the tasks of coordinating public action and facilitating international cooperation in relation to terrorism.

17. The law, and several binding confidential ministerial circulars, provide that the federal prosecutor must be informed by local prosecution services and the federal police of any relevant criminal investigation and any incident for which there are indications that it may involve terrorist activity.

18. This does not exclude the possibility of some terrorist cases being handled by the judges of local criminal courts, who normally remain in charge of such cases and, at the very least, are the front line actors in terms of suppression.

19. Within the corps of public prosecutors, the public prosecutor of Gand has the task of combating large-scale crimes and is responsible for matters related to terrorism. His powers, in addition to monitoring the coordination of the public prosecutor's office, are more strategic in nature, unlike the more operational powers of the prosecutors in charge of cases within the courts.

20. With regard to exchange of information, several confidential directives set out binding instructions in relation to, inter alia, the exchange of information between the public prosecutor's office and other authorities and services involved in combating terrorism, namely: the police forces, the State security department, the general service for intelligence and the security of the armed forces, other ministerial departments concerned and supranational institutions such as the European judicial unit (Eurojust), the European Police Office (Europol) and foreign police and intelligence services.

21. Furthermore, a task force has been formed informally under the auspices of the federal prosecution service in order to compare information held by the services involved in combating terrorism and allow a rapid exchange of this data. Its members meet once a month to ensure follow-up of information, and, as required, in case of emergency.

22. It consists of, in addition to the federal judge responsible for matters related to terrorism, representatives of the State security department, the general service for intelligence and the security of the armed forces, the inter-service counter-terrorist group (a standing body established by royal decree of 17 October 1991 consisting of representatives of the State security department, the federal police and the general intelligence service which is responsible for constantly assessing the terrorist threat in Belgian territory or against Belgian interests abroad) or the royal prosecutor(s) concerned and members of the federal police (judicial service of the district concerned and terrorist service within the head office of the judicial police).

23. With regard to substantive law, the Belgian penal code does not yet include a specific category for terrorist acts, although the organic law of 30 November 1998 on the intelligence and security services defines terrorism in its article 8.1.b as resort to violence against persons or material interests for ideological or political motives with a view to attaining objectives through terror, intimidation or threats. This definition serves as a reference for the implementation of other provisions of domestic law.

With regard to the incorporation into Belgian law of the obligations imposed by the Council's framework decision of 13 June 2002 on combating terrorism, the Parliament will receive a draft law in the next few weeks, and will approve it before the end of the legislative term (May 2003).

24. Traditionally, prosecution is based on a number of violations of ordinary law associated with an ideological or political motive in the mind of the author.

The most frequently cited offences and attempted offences include:

Criminal association (arts. 322 to 326 of the Penal Code)

Participation in a criminal organization (arts. 324 bis and ter of the Penal Code)

Money-laundering (art. 505 of the Penal Code)

Assassination (arts. 392, 393 and 394 of the Penal Code)

Murder (arts. 392 and 393 of the Penal Code)

Offences involving weapons possession (law on weapons of 3 January 1933, amended several times)

Provisions relating to forged documents (arts. 193, 196, 197, 213 and 214 of the Penal Code)

Various types of destruction of property (arts. 520-530 of the Penal Code)

Possession of explosives with a view to carrying out an attack (law on explosives of 28 May 1965)

25. On the basis of a law of 4 May 1999, Belgian law provides for criminal liability of legal entities and the application to such entities of penalties such as fines, attachment and dissolution.

26. At the procedural level, various recent provisions envisage the possibility of witnesses testifying in partial or complete anonymity and benefiting from measures of protection where they or persons associated with them are put in danger by statements made or to be made. The possibility of testifying through audio-visual means was also authorized recently, allowing the preservation of a degree of anonymity in certain cases for the person making statements.

27. The statute of limitations in criminal matters has recently been increased to 15 years if the offence is a crime which cannot be dealt with under the legal rules on attenuating circumstances.

D. *All measures they have taken to prevent the direct or indirect supply, sale and transfer to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned and technical advice, assistance or training related to military activities.*

28. The Customs Service controls entry into the national territory of goods (including arms of all types and strategic items), vehicles and personal baggage, and the content of aircraft holds.

29. The Customs Service is strongly in favour of more intensive cooperation with foreign customs authorities with regard to the monitoring of suspect consignments (where there is a danger that they will be used for terrorist purposes).

30. National legislation is being formulated with a view to effective monitoring of financial flows (or valuable goods which can easily be converted into cash) which may be used to finance terrorist activities.

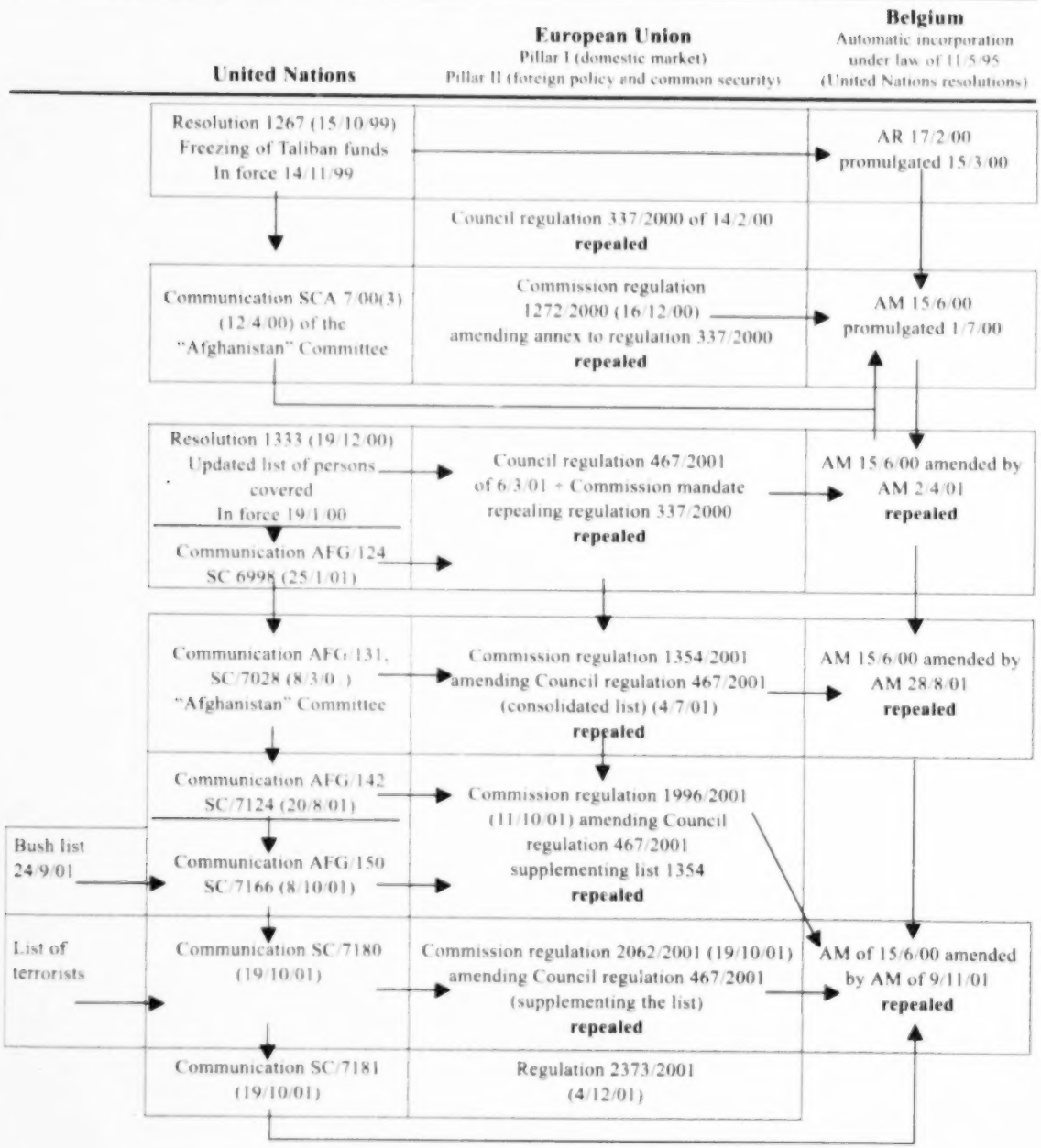
31. The law of 5 August 1991 on the import and transit of weapons, ammunition and materiel specially intended for military purposes and the related technology and the royal decree for implementation of 8 March 1993 prevent the delivery of arms and related materiel to terrorists, individuals or groups. Under these provisions, the import and export of weapons, ammunition and materiel intended for military purposes and related technology are subject to the prior granting of an export licence.

32. At present, the above-mentioned act and royal decree for implementation are under review. A number of items intended for the forces of law and order which so far are not included under the royal decree of 1993 should in future be subject to the prior granting of an export licence.

33. In order to prevent the supply, sale or direct or indirect transfer from Belgian territory of advice, assistance and training relating to military activities, a decree will soon be adopted by the Office of Economic Relations on the basis of the act of 11 May 1995 for the application in Belgian law of United Nations instruments.

Financial embargo
Taliban

Ministry of Finance
Treasury


United Nations
European Union
Pillar I (domestic market)
Pillar II (foreign policy and common security)
Belgium
Automatic incorporation under law of 11/5/95 (United Nations resolutions)
Resolution 1267 (15/10/99) Freezing of Taliban funds In force 14/11/99
AR 17/2/00 promulgated 15/3/00
Council regulation 337/2000 of 14/2/00 repealed
Communication SCA 7/00(3) (12/4/00) of the "Afghanistan" Committee
Commission regulation 1272/2000 (16/12/00) amending annex to regulation 337/2000 repealed
AM 15/6/00 promulgated 1/7/00
Resolution 1333 (19/12/00) Updated list of persons covered In force 19/1/00
Council regulation 467/2001 of 6/3/01 + Commission mandate repealing regulation 337/2000 repealed
AM 15/6/00 amended by AM 2/4/01 repealed
Communication AFG/124 SC 6998 (25/1/01)
Communication AFG/131, SC/7028 (8/3/0) "Afghanistan" Committee
Commission regulation 1354/2001 amending Council regulation 467/2001 (consolidated list) (4/7/01) repealed
AM 15/6/00 amended by AM 28/8/01 repealed
Communication AFG/142 SC/7124 (20/8/01)
Bush list 24/9/01
Communication AFG/150 SC/7166 (8/10/01)
Commission regulation 1996/2001 (11/10/01) amending Council regulation 467/2001 supplementing list 1354 repealed
List of terrorists
Communication SC/7180 (19/10/01)
Commission regulation 2062/2001 (19/10/01) amending Council regulation 467/2001 (supplementing the list) repealed
AM of 15/6/00 amended by AM of 9/11/01 repealed
Communication SC/7181 (19/10/01)
Regulation 2373/2001 (4/12/01)

	United Nations	European Union Pillar I (domestic market) Pillar II (foreign policy and common security)	Belgium Automatic incorporation under law of 11/5/95 (United Nations resolutions)
American Treasury list 46+16 →	Communication AFG 163 SC/7209 (9/11/01) →	Commission regulation 2199/2001 (12/11/01) amending Council regulation 467/2001 (supplementing the list) **repealed** →	AM of 15/6/00 Amended by AM of 23/11/01 promulgated 29/11/01
Executive order Bush →	Communication AFG/176 SC/7252 of 28/12/01 →	Commission regulation 2604/2001 (28/12/01) amending (6th time) Council regulation 467/2001 (adding 4 names to list) **repealed** →	AM of 15/6/00 amended by AM of 21/1/02 **repealed**
Executive order Bush →	Communication AFG/178 SC/7265 of 14/1/02 →	Commission regulation 65/2002 (15/1/02) amending (7th time) Council regulation 467/2001 (adding 4 names to list) **repealed** →	AM of 15/5/00 amended by AM of 22/1/02 **repealed**
	Communication SG/7263 of 14/1/02 →	Commission regulation 105/2002 (18/1/02) amending (8th time) Council regulation 467/2001 **repealed** →	AM of 15/6/00 amended by AM of 25/3/02 **repealed**
	Communications AFG/179 SC/7273 of 16/1/02 AFG 184 SC/7279 of 24/1/02 →	Commission regulation 362/2002 (27/2/02) amending (9th time) Council regulation 467/2001 **repealed** →	AM of 15/6/00 amended by AM of 26/3/02 **repealed**
	Resolution 1390 of 16/1/02 Consolidated list updated on 22 May 2002	Council regulation 881/2002 (27/5/02) → (repeal of 467/2001 and its amendments)	AM of 15/6/00 amended by AM of 1/7/02 promulgated 13/7/02
		Commission regulation 951/2002 (3/6/02) (1st amendment to list) →	
	Consolidated list updated on 8/7/02, 26/8/02 (SC/7490) and 3/9/02 (SC/7494)	Commission regulation 1580/2002 (4/9/02) (2nd amendment to list) →	AM of 15/6/00 amended by AM of 26/9/02 5/10/02
	Consolidated list updated on 11/9/02 SC 7502	Commission regulation 1644/2002 (13/9/02) (3rd amendment to list) →	AM of 15/6/00 amended by AM of 27/9/02 15/10/02
	Consolidated list updated on 30/9/02 SC 7519	Commission regulation 1754/2002 (1/10/02) (4th amendment to list) →	AM of 15/6/00 amended by AM of 24/10/02 promulgated 1/11/02

	United Nations	**European Union** Pillar I (domestic market) Pillar II (foreign policy and common security)	**Belgium** Automatic incorporation under law of 11/5/95 (United Nations resolutions)
	Consolidated list updated on 10/10/02 SC 7525	Commission regulation 1823/2002 (11/10/02) (5th amendment to list) →	AM of 15/6/00 amended by AM of 30/10/02 promulgated 5/11/02
	Consolidated list updated on 22/10/02 SC 7543	Commission regulation 1893/2002 (23/10/02) (6th amendment to list) →	AM of 15/6/00 amended by AM of 12/11/02 promulgated 23/11/02
	Consolidated list updated on 25/10/02 SC 7548	Commission regulation 1935/2002 (29/10/02) (7th amendment to list) →	AM of 15/6/00 amended by AM of 14/11/02 promulgated 28/11/02
	Consolidated list updated on 21/11/02 SC 7574	Commission regulation 2083/2002 (22/11/02) (8th amendment to list) →	AM of 15/6/00 amended by AM of 10/12/02 promulgated 17/12/02

Tuesday, 28 January 2003

AM = ministerial decree
AR = royal decree